IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 383 OF 2005

Shri Manoj Rijhwani ..Applicant.
V/s.

The State of Maharasthra ..Respondent.

Shri Girish Kulkarni for the Applicant.
Shri K.V. Saste, APP for Respondent - State.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 31, 2005

PC :-

. Heard learned counsel for the parties. Perused the record.

2. Having regard to the direct evidence indicating complicity of the applicant in the commission of the crime and the seriousness of the offence, not a case for bail. Counsel for the applicant, however, contends that there is major discrepancy in the prosecution case and if the statement of the witnesse - Achal Gul Rijhwani is to be read, it clearly suggests that the mother of the applicant was sitting in her house and was not present at the scene of offence. In other words, it is contended that the possibility of falsely implicating

the accused persons is clearly reflected from the

from the statement. This submission clearly overlooks the contents of the complaint which was filed at the earliest point of time, mentioning the fact that the applicant caught hold of the deceased when kerosene was poured on the deceased person. In any case, the dying declaration which is a strong evidence, will have to be accepted for the time being, which clearly mentions the role of the applicant in not allowing the husband of the deceased to move forward to extinguish the fire. The presence of the applicant at the relevant time coupled with his act at the scene of offence, as referred to earlier, clearly suggest the complicity of the applicant accused in the offence. Thus, I find no reason to depart from the conclusion reached by the court below in rejecting the present application. Hence, dismissed.

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